

2003 DRAFTING REQUEST**Assembly Amendment (AA-AB90)**Received: **02/27/2003**Received By: **phurley**Wanted: **As time permits**

Identical to LRB:

For: **Eugene Hahn (608) 266-3404**By/Representing: **wendy minick**This file may be shown to any legislator: **NO**Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**Extra Copies: **ARG, TNF**Submit via email: **YES**Requester's email: **Rep.Hahn@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Safety belt exemption for disabled people

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	phurley 02/27/2003	csicilia 02/27/2003	chaskett 02/28/2003	_____	mbarman 02/28/2003	mbarman 02/28/2003	

FE Sent For:

<END>

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Assembly Amendment (AA-AB90)

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/1	phurley	1 gsc 2/27 03	1 cph 2/27	1 ss/ep 2/27			

FE Sent For:

<END>

2003 ASSEMBLY BILL 90

February 20, 2003 - Introduced by Representatives AINSWORTH, HEBL, BIES, FREESE, HINES, MCCORMICK, POPE-ROBERTS, STONE and TOWNSEND, cosponsored by Senators BROWN, RISSER and GEORGE. Referred to Committee on Transportation.

- 1 **AN ACT to amend 347.48 (2m) (gm) and 347.50 (2m) (a) of the statutes; relating**
2 **to: enforcement of motor vehicle safety belt violations and providing a penalty.**

Analysis by the Legislative Reference Bureau

This state requires the use of safety belts in certain motor vehicles. Under current law, with specific exceptions, no person may drive a motor vehicle unless he or she is properly restrained by a safety belt and unless he or she reasonably believes that each passenger between the ages of four and fifteen years old is properly restrained by a safety belt. No person who is at least four years old may be a passenger in the front seat of a motor vehicle unless that person is properly restrained by a safety belt. Current law prohibits a law enforcement officer from stopping or inspecting a motor vehicle solely to determine compliance with safety belt use requirements. The officer may, however, issue a citation for a violation observed in the course of a stop or inspection made for other purposes. A law enforcement officer may not take a person into physical custody solely for a violation of safety belt use requirements.

This bill authorizes a law enforcement officer to stop or inspect a vehicle solely to determine compliance with safety belt use requirements, if the officer has probable cause to believe that a violation has occurred. The bill also increases the penalty for violating this state's laws requiring the use of safety belts from \$10 to \$25 for a first offense and to not less than \$50 nor more than \$75 for the second and each later offense committed within three years. As under current law, violators pay no additional costs, fees, or assessments.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

ASSEMBLY BILL 90

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 347.48 (2m) (gm) of the statutes is amended to read:

2 347.48 (2m) (gm) ~~Notwithstanding s. 349.02, a law enforcement officer may not~~
3 ~~stop or inspect a vehicle solely to determine compliance with this subsection or sub-~~
4 ~~(1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules~~
5 ~~of the department. This paragraph does not limit the authority of a law enforcement~~
6 ~~officer to issue a citation for a violation of this subsection or sub. (1) or (2) or a local~~
7 ~~ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department~~
8 ~~observed in the course of a stop or inspection made for other purposes, except that~~
9 ~~a~~ A law enforcement officer may not take a person into physical custody solely for
10 a violation of this subsection or sub. (1) or (2) or a local ordinance in conformity with
11 this subsection, sub. (1) or (2) or rules of the department.

12 **SECTION 2.** 347.50 (2m) (a) of the statutes is amended to read:

13 347.50 (2m) (a) Any person who violates s. 347.48 (2m) (b) or (c) and any person
14 16 years of age or older who violates s. 347.48 (2m) (d) may be required to forfeit \$10
15 \$25 for the first offense and not less than \$50 nor more than \$75 for the 2nd or any
16 later offense committed within 3 years.

17 **SECTION 3. Initial applicability.**

18 (1) The treatment of section 347.50 (2m) (a) of the statutes first applies to
19 violations committed on the effective date of this subsection, but does not preclude
20 the counting of other violations as prior violations for sentencing a person.

21 **SECTION 4. Effective date.**



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa0195/1

PJH:j:....

gjs

ASSEMBLY AMENDMENT,
TO 2003 ASSEMBLY BILL 90

by
2-28-03
FRIDAY

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 1: before that line insert: ⁹INSERT A

3 2. Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1m".

4 ^B(END)

^B

BILL

officer has probable cause to believe that a violation has occurred. The bill also increases the penalty for violating this state's laws requiring the use of safety belts from \$10 to \$25 for a first offense and to not less than \$50 nor more than \$75 for the second and each later offense committed within three years. As under current law, violators pay no additional costs, fees, or assessments.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Insert A

1 **SECTION 1.** 347.48 (2m) (e) of the statutes is amended to read:

2 347.48 (2m) (e) Paragraph (b) does not apply to a person who qualifies for
3 registration plates of a special design under s. 341.14 (1), (1a), (1m), or (1q) or for a
4 special identification card under s. 343.51. The department shall, by rule, exempt
5 from the requirements under pars. (b) to (c) and (d) persons who, because of a
6 physical or medical condition, cannot be properly restrained in a safety belt.)).

7 **SECTION 2.** 347.48 (2m) (gm) of the statutes is amended to read:

8 347.48 (2m) (gm) ~~Notwithstanding s. 349.02, a law enforcement officer may not~~
9 ~~stop or inspect a vehicle solely to determine compliance with this subsection or sub.~~
10 ~~(1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules~~
11 ~~of the department. This paragraph does not limit the authority of a law enforcement~~
12 ~~officer to issue a citation for a violation of this subsection or sub. (1) or (2) or a local~~
13 ~~ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department~~
14 ~~observed in the course of a stop or inspection made for other purposes, except that~~
15 ~~a~~ A law enforcement officer may not take a person into physical custody solely for
16 a violation of this subsection or sub. (1) or (2) or a local ordinance in conformity with
17 this subsection, sub. (1) or (2) or rules of the department.

18 **SECTION 3.** 347.50 (2m) (a) of the statutes is amended to read: